UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

In the United States District Court For____

STEVEN M.JOHNSON T26693 P.O.Box 43/ 2 Clark St. NORFOLK MA 02056-0043 PETITIONER

vs.

COMMISSIONER OF CORRECTIONS
KATHLEEN M. DENNEHY
EXCUTIVE OFFICE OF PUBLIC SAFETY
ONE ASHBURN PLACE
BOSTON MASSACHUSETTS 02108

This is a 1983 Action filed in this court for violation of the Petitioners Civil Rights & Constitutional Rights of the First, Sixthn, Eighth and Fourteenth Amendment of the Constitution.

In this the Petitioner was given an illegal Adjustment for filing of a Inmate grievance against an Inter Permiter Security Office. In this he was brought into an Office with Three I.P.S. Officer for what he thought was going to be a one on one investigation but, turned out with three I.P.S. Offace icers brow beating and intimidating the Petitioner until he felt he was going to be beat down, so he offered to withdrawel the Grievance for fear and such. They (I.Pas.) where going to beat him down, so, he stated he would withdrawel the grievance that was his big mistake for they (I.P.S.) placed him in Handcuffs and placed him in the Receiving Building (Segregation) Unit at MCI-Norfolk. He was given an Adjustment for recant of grievance. He asked for witnesses and the Griecvance at his Hearing but, Officer Lyons refused and even told the Petitioner the Sgt. Ficco of the I.P.S. had told him to find him guilty and give him 20 Hours extra Work duty. Petitioner immediately appealed and was denied. He then received a Notice from Superinte endent that he would be considered for placement at his next Scheluded hearing for return to his Sending State (MARYLAND). When Petitioner went to Reclass they told him he could not go back to Population nor to his Home State that he would be sent to Shirley Medium instead. The petitioner is asking this Court to stop the Transfer and return him to his former Staus for he is being Punished for filing of a Grievance against an I.PS. Officer O'Malley. In No way or form are they suppose to Retaliate against anyone for filing a grievance nor intimidate coierce an individual for filing of a grievance.

Petitioner asks to be reinstated to his former Status and Charge D.O.C Officials with placing safeguards ast not to have this happen again.

Additional award Nominal Damages and Punitive
Damages to the Petitioner in this case for
violation of First Amendment right to Free Speech., Denial of
the Right to call Counsel and witnesses at his hearing, Eighth
Amendment Right to be free from Cruel & Inhuman Punishment
and the Fourteen Amendmet Right to Due Process which was
additionally denied to him by denieal of his Sixth Amendment
Rights to be free of Harrassment for exercising of his Constutional Rights as under the Constitution of Maryland, Massachuses
stts and United States.

SIGNED THIS 20 DAY OF SEPTEMBER 2004 .

SIGNED UNDER PENALTY OF PERJURY.

STEVEN M. JOHNSON T26693

P.O.BOX 43 2 Clark Street

NORFOLK MASSACHUSETTS

02056-0043

HOUSING UNIT P-2/SMU

226

INMATE Johnson, Steven

MASSACHUSETTS DEPARTMENT OF CORRECTION

DISCIPLINARY REPORT

I.D. NO.T-26693

DATE July 30, 2004	D-REPORT NO. 04-049		
offense # 1, 2, 8, and 33.	CODE NO.		
MINOR MAJOR DESCRIPTION OF OFFENSE	REFERRED TO DISTRICT ATTORNEY		
Perimeter Security Sergeant Tho	n interview was conducted by this reporting officer along with Inner omas Ficco and Officer Scott Baldwin relative to Correspondence even Johnson (T-26693) alleges that an inappropriate comment was		
	and inmate Johnson's own self- admission, he wanted to recant his advised that he was not even certain that an inappropriate comment		
As a result, inmate Johnson wa Health Services Unit on Pending In	as escorted and placed within the Special Management Unit via the ovestigation Status.		
HAS INMATE BEEN PLACED ON AWAITIN	IG ACTION STATUS? DAYS OFF Flex		
YES XXX NO REPORTING STAFF PERSON'S SIGNATURE	100		
SHIFT COMMANDER'S SIGNATURE	Cent & Can 7/30/01/1100m		
DISCIPLINARY OFFICER'S SIGNATURE			
FINDING AND SANCTION, IF ANY APPEAL RESULTS APPEAL RESULTS	(transcribed from disciplinary hearing if major matter) April 1 April		
REVIEWING AUTHORITY	DATE: 8/2/04		

CHUSETTS DEPARTMENT OF CORRECTION M. C. I. NORFOLK

RESULTS OF APPEAL

TO:	Johnson, Ste	en 172669	(3)
FROM	: D-REPORT NO.	04-0449	7
DATE:	:	8/19/04	
Α.	BY THE DISCIPLI		
			bove-cited Disciplinary Report,
ــن م	Stipulchin For a	cse	
_	20 hours extra	, dusy	
	Camicheel Lyons		
	Chairperson	Member	Member
В.	BY THE SUPERIN	TENDENT	
	find as follows:		above-cited Disciplinary Report, I
		2 /	
	Fin 1	Jona	8/20/04
	Superintendent A copy of this decision	has been served	Date on the inmate
	A copy of this decision	Januar Gran Screen	Epoly as
	Staff Signature		Date/Time

facts;

In this case the Plaintiff is being held in Sgregation in Retalitory action for his filing of a greiavnce against the Internal Security Officer O'Malley. On July 22,2004 Officer O'Malley interveiwed the Plaintiff after he had already been interveiwed two previous times (One time in the unit and another by two I.P.S Officer on July 19,2004). When he told Officer o"malley that he did not fear for his safety and that no one was had threatened him, he demanded to know what happened. The Plaintiff told him that him and his bunkie had arguement over the fact he was bragging about his Handball game claiming he was King of the Handballcourt, and this led to him being teased by his fellow inmates as such.. He had gone to the Tier Officer complain -ing that where not getting along together and that he was disres -ecting him because he felt the Plaintiff didn't like him because he was Spainish, The Plainitff told the Officers on Sunday the 18th of July and other Officers it was not that just his cell-pac partner did not want to clean the cell and wanted to move in with a Spainish inmate but, wanted the Plaintiff to move out. He expla -ined all this two previous times before Officer O'Malley came to talk to him. Officer O'Malley kept asking him about Latin Kings andssuch and the Plaintiff told him that he would go out and star -t to approach inmates out in Population. Plaintiff got scared in thinking he was going to start asking questions of gang members a about the Plaintiff so he filed a greivance about this., asking Officer O'Malley not to go around asking questions in population thus dirtying up his name in population; and causing him problems that he did not need or want.

Once the Plaintiff was out in population and found that this was not true and that only a couple people had approach -ed him about this and after discussing it with his Native American Brothers about the incident , they told him to withdrawel the Grievance or he would end right back in Segregation for writing up an I.P.S. Officer especially Officer o "malley."

The Plaintiff gets Panic Attacks and such filed the greiavnce with the information on which he had at thetime and not do harm to anyone. But, when he tried to explain this to the GreivanceCoordinator she told him he could not withdrawel his

greiavnce and that he should not worry about Retaliation from no one for it is illegal to retaliate even if they are I.P.S.

Officers. But the Plaintiff found this to be a lie for once he got into the Office with Sgt. Ficco he was threatened and made fu -n of and Reatilated Coiersed, intimidated and not allowed to even explain what happenbed and that the greiavnce was filed in good faith by the Plaintiff in this instant and that he filed it with the information he had on hand..

The Defendants refused to listen to anything that the Plaintiff in this case had to say instead placed him in Receiving Unit (Segregation)pending Investigation and then gave him a D.Report for what they claimed was a False report.

In this the Plaintiff argues the report was not false and he is being retaliated against by Defendants for exercising his first Amendment rights and it is unconstitutional retaliation for filing of an Inmate Greiavnce in Good Faith.

Additionally the Defendants are trying to punish the Plaintiff for previous Litigation against other I.P.S. Officers in different Prisons for retalaition for filing of greiavnces against them. (pad fad; Suds)

In this the Plaintiff has done nothing wrong just filed a greiavnce in good faith and is now being punished for exercising of his constitutional rights.

REPLEVE:

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In this the Plaintiff is asking for immediate release from Segregation and injuction against mci-Norfolk from further retaliation and to wipe this disciplinary hearing fromhis record as such and as such Punitive Damages of \$500.00 per day against the Deefendants for every day that the Plaintiff is kept in sgeregation. Toplace safeguards that a Independent Investigator to be appointed not affiliated with the I.P.S's Office to investigate the claims made against I.P.S. Officials as not to be intimidated and placed on Segregation.

That their action be granted as Unconstitutional and new safeguards are put up to stop the harrassment and such in the future.